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Initiative Petition Information Sheet

Title of Petition: A Law Permitting Casino Gaming in Three Locations in the Commonwealth
Petition Number : **11-27**

Proponents' Contact

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Optional:

Will the proponents propose a summary by the Monday, 5 days after the petition-filing deadline?
☐ Yes ☐ No

Will the proponents submit a memo of law by the Friday 9 days after the petition-filing deadline?
☐ Yes ☐ No

Please note that the above information will be made available to the public and particularly to possible opponents of certification. The Proponent and Proponents' Attorney (if any) will receive copies of any materials submitted by the public regarding certification.

AGO Staff Person Receiving Petition:

PS

(to be filled in by Attorney General's Office staff)

Date:

8/3/11

(to be filled in by Attorney General's Office staff)

**AN INITIATIVE PETITION FOR A LAW PERMITTING CASINO GAMING
IN THREE LOCATIONS IN THE COMMONWEALTH**

BE IT ENACTED BY THE PEOPLE, AND BY THEIR AUTHORITY

SECTION I, Section 1. CHAPTER 128 of the General Laws is hereby amended by inserting after chapter 128C a new chapter 128D: Exclusive Casino Gaming.

SECTION II, Section 2. Notwithstanding the provisions of any general or special law to the contrary, the General Laws are hereby amended by permitting gaming in three exclusive locations in the commonwealth.

SECTION III, Section 3. Casino gaming, may be conducted in three locations; 1.) the eastern location: on the land owned by a federally recognized native american tribe which has not surrendered its rights under the federal indian gaming regulatory act; 2.)the central location is in the town of milford, bordering on route four hundred ninety-five and route sixteen known as the crossroads casino resorts project; and 3.)the western location in any municipality west of exit six of the massachusetts turnpike also known as interstate ninety. The permitted gaming at the three casino locations shall be: any banking or percentage game played with cards, dice, tiles, dominoes, roulette wheel or any electronic electrical, or mechanical device or machine for money, property, checks, credit or any representative of value, including pari-mutuel wagering on horse races. Any lottery game conducted by the State Lottery Commission pursuant to Sections 24, 24A and 27 of Chapter 10 shall be made available to the patrons of the casinos.

SECTION IV, Section 4. There shall be two categories of casinos. Category 1 and 2 licenses shall include the development of a gaming casino together with a resort hotel offering gaming permitted under this chapter and which casinos may include restaurants, which may serve alcoholic beverages in the hotels and casino which shall provide room service for liquor and food consumption, retail shops, and other amenities for the consumption of food, beverage and enjoyment of relaxation, exercise, sports areas, sports courts, swimming pools and other related activities to be frequented by the guests and invitees. The license application fee for a category 1 licensee is \$100 million dollars, and the investment in hard and soft cost for construction of the casino, hotel resort, restaurant and retail shall not be less than \$500 million dollars. The term of exclusivity granted by the Commonwealth to the category 1 licensee shall be for twenty years. The category 1 License shall be located in the town of milford. There are two category 2 licenses, one of which is to be located in the western region and the second of which is to be located in the eastern region. The application fee for a category 2 license shall be \$75 million dollars and an initial investment shall be no less than \$350 million dollars in hard and soft costs for construction of the casino, hotel, resort, restaurants and retail. The term of exclusivity granted by the Commonwealth to the category 2 licensee shall be for twenty years. The terms of the category 1 and category 2 exclusive licenses shall commence on the date that each casino shall commence its gaming operations. The licensing fees shall be paid to the Commonwealth of Massachusetts.

SECTION V, Section 5. Both Category 1 and Category 2 Casinos shall be taxed by the Commonwealth at 25% of the annual gross revenue.

SECTION VI, Section 6. The annual state taxes from the casinos subject to appropriation by the legislature may be distributed as follows: 1.) 23.75% may be allocated on a pro rata basis to all 351 cities and towns for the purpose of providing real property tax relief; 2.) subject to appropriation by the legislature .630% may be distributed to a gaming commission for its operations in maintenance, ; 3.) .420% subject to appropriation by the legislature may be distributed to a fund recognized by the Commonwealth of Massachusetts for the purpose of assisting troubled persons who may be suffering from the effects of gaming; and 4.) subject to appropriation by the legislature .200% may be distributed to a statewide law enforcement training facility available to all departments and law enforcement agencies serving the municipalities, and in the Commonwealth.

SECTION VII, Section 7. Category 1 and category 2 casinos shall be subject to all state laws and ordinances and/or bylaws of the city or town including provisions related to public health and building codes. Notwithstanding, no local zoning, land use laws, subdivision regulations or similar provisions shall prohibit the issuance of a building permit or the use permitted under this chapter.

SECTION VIII, Section 8. Applications for casino licenses shall be made to the governor of the Commonwealth or to his duly appointed designee. (1) Applicants for gaming licenses shall demonstrate their commitment to efforts to combat compulsive gambling and a dedication to community mitigation, and shall recognize that the privilege of licensure bears a concomitant responsibility to identify, address and minimize any potential negative consequences of their business operations; (2) any license awarded by the governor shall be a revocable privilege and may be conditioned, suspended or revoked upon: (i) a breach of the conditions of licensure, (ii)

any civil or criminal violations of the laws of the commonwealth or other jurisdictions; or (iii) a finding by the governor that a licensee is unsuitable to operate a gaming establishment or perform the duties of their licensed position; (3) the power and authority of the governor shall be construed as broadly as necessary for the implementation, administration and enforcement of this chapter.

SECTION IX, Section 9. The governor shall promulgate regulations for the implementation, administration and enforcement of this chapter.

SECTION X, Section 10 . The Applications for gaming licenses, submitted to the governor, for casinos shall include: (i) the time and date for receipt of responses to the request for applications, the manner they are to be received and the address of the office to which the applications are to be delivered; (ii) the form of the application and the method for submission; (iii) a general description of the anticipated schedule for processing the application; (iv) the contact information for applicant's duly authorized representative responsible for answers to questions on behalf of the applicant; and (v) any other information that the governor determines. Any request for applications shall be advertised in a newspaper of general circulation in the commonwealth and on the official internet website of the governor. The governor shall establish deadlines for the receipt of all applications for a gaming license. Applications received after the deadline shall not be eligible for review by the governor.

SECTION XI, Section 11. All applicants for a gaming license, and any person required by the governor to be qualified for licensure, shall establish their individual qualifications for licensure to the governor by clear and convincing evidence. All applicants, licensees, registrants and any

other person who shall be qualified pursuant to this chapter shall have the continuing duty to provide any assistance or information required by the governor and to cooperate in any inquiry or investigation conducted by the governor. Refusal to answer or produce information, evidence or testimony by an applicant, licensee, registrant or person required to be qualified under this chapter may result in denial of the application or suspension or revocation of license or registration by the governor. No applicant, licensee, registrant or person required to be qualified under this chapter shall willfully withhold information from, or knowingly give false or misleading information to, the governor. If the governor determines that an applicant or a close associate of an applicant has willfully provided false or misleading information, such applicant shall no longer be eligible to receive a license under this chapter. Any licensee or other person required to be qualified for licensure under this chapter who willfully provides false or misleading information shall have their license conditioned, suspended or revoked by the governor, if so established.

SECTION XII, Section 12. No applicant shall be eligible to receive a gaming license unless the applicant meets the following criteria and clearly states as part of an application that the applicant: (1) agrees to be a state lottery reseller for the purpose of lottery, multi-jurisdictional lottery and keno games, and to demonstrate that state lottery and keno games are readily accessible to its guests; (2) has suitable capital to finance its operations and the proposed capital investment; (3) will have ownership of the land where the gaming establishment will be located within one hundred eighty days after a license has been awarded; (4) shall demonstrate that it is able to pay and shall commit to paying the gaming licensing fee; (5) shall demonstrate to the governor how the applicant proposes to address lottery mitigation, compulsive gambling problems, workforce development and community development. (6) shall identify the

infrastructure costs of the host incurred in direct relation to the construction and operation of a gaming establishment and shall commit to a community mitigation plan for those host communities; (7) shall provide to the governor a signed agreement between the host community and the applicant setting forth the conditions to have a gaming establishment located within the host community; provided that the agreement shall include a community impact fee for the host community and all stipulations of responsibilities between the host community and the applicant; and (8) shall comply with state and local building codes.

SECTION XIII, Section 13. In addition to the requirements set forth in sections ten and eleven, no business shall be eligible to apply for a gaming license unless it: (i) is organized under the laws of the commonwealth, although such business organization may be a wholly or partially owned subsidiary of a foreign business; (ii) maintains an office in the gaming establishment; (iii) maintains a ledger in the gaming establishment of the business organization reflecting the current ownership of the business organization, and in the case of a corporation, of every class of security issued by the corporation; (iv) maintains all operating accounts required by the governor in a bank chartered in the commonwealth or in a bank with a full service branch present in the commonwealth; (v) includes among the purposes stated in its official filings with the state secretary the conduct of gaming; (vi) in the case of a non-publicly traded corporation, files with the governor such adopted corporate charter provisions as may be necessary to establish the right of prior approval by the governor with regard to transfers of securities, shares, and other interests in the applicant corporation.

SECTION XIV, Section 14. A category 1 or a category 2 licensee may operate a gaming establishment from 6:00 antemeridian to 5:59 antemeridian; provided, however, that said licensee registers their hours of operation with the governor.

SECTION XV, Section 15. No person under the age of 21 shall be permitted to wager or be in an area of a facility where gaming is conducted; provided, however, that a person 18 years or over of age who is a licensed employee of the gaming operation may be in an area of a facility where gaming is conducted if in the performance of the duties he is licensed to undertake.

SECTION XVI, Section 16. Notwithstanding any general or special law, rule or regulation to the contrary, an applicant for a category 1 or category 2 license may request with their gaming license application, and the governor may grant to a category 1 or category 2, casino and alcoholic beverage licenses for the sale and distribution of alcoholic beverages to be drunk on the premises of the casino. No alcoholic beverages shall be sold or distributed on the premises of a gaming establishment without such a license. The authority to enforce, regulate and control the distribution of alcoholic beverages in the resort casino shall be exclusively vested in the governor. Except as otherwise provided in this section, or by regulations promulgated by the governor, the provisions of chapter 138 and the rules and regulations promulgated by the alcoholic beverages control governor shall apply to a category 1 or a category 2 casino alcoholic beverage license. Issuance fees for the casino alcoholic beverage license shall be included with the gaming application fee. If a category 1 or category 2 licensee does not apply for a casino alcoholic beverage license at the time of application, said licensee shall be subject to an additional licensing fee determined by the governor. A licensee under this section shall be permitted to distribute alcohol free of charge and for on-premise consumption to patrons on

the casino floor or as a complimentary service or item in the gaming establishment; provided, however, that the governor shall promulgate regulations on such distribution as well as the forms of identification that may be presented to the licensee to demonstrate proof that a person has attained the age of 21. A licensee under this section shall be permitted to sell or provide free of charge alcohol daily after 6:00 antemeridian and before 5:59 antemeridian.

SECTION XVII, Section 17. Together with the application for an alcoholic beverage license, each casino applicant may also apply for and obtain an entertainment license from the governor which may include live entertainment as well as for film, videos, compact cd's or tv monitors. A category 1 and 2 licensee shall be responsible for any violations of their casino alcoholic beverages license in the gaming casino including the hotel or anywhere on the premises. The governor may revoke, suspend, refuse to renew or refuse to transfer any resort casino alcoholic beverage and/or entertainment license for violations of any provision of chapter 138, regulations promulgated by the alcoholic beverages control commission and the regulations promulgated by the governor. A category 1 or category 2 casino alcoholic beverage license shall be nontransferable without prior approval from the governor. If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all the legal rights, privileges and restrictions pertaining thereto, to the governor and the governor may then grant the license to a new gaming licensee under the same conditions as specified in this section. A license granted under this section shall not decrease the number of such licenses authorized to be granted to the host community under the provisions of chapter 138, Section 29.

We, the undersigned first signers, do hereby submit this Initiative Petition for a law permitting casino gaming in the commonwealth to the Attorney General in accordance with Amend. Art. 48 Init., Pt. 2 §3.

SIGNATURE	PRINT NAME	ADDRESS No. , Street, Town
Barry Feingold		10 Hope St., Hopedale
Richard J. Ferrucci		9 Millville Rd., Mendon
Antonio L. Pinto		27 Jefferson St., Milford
Marie Thomason		11 Fox Run Rd., Medway
Charles Thomason		11 Rox Run Rd., Medway
Ronald G. Auger		19 Cornell Dr., Milford
Richard Nashawaty, II		10 Joan Circle, Milford
Salvatore P. Cimino		86 Highland St., Milford
Manuel Carneiro		66 High St., Milford
Kathy A. Carneiro		66 High St., Milford
Louise Helfand		204 Cedar St., Milford
Hector Carneiro		9 Pleasant St., Milford
Maria Valenca		7 Bear Hill Rd., Milford
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